THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO.7953 of 2006

Dated 20-04-2006

Between:

G. Srinivas Reddy, and two others.

..Petitioners

AND

The District Collector, Ranga Reddy District,

and ten others.

..Respondents.

THE HONOURABLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION NO.7953 of 2006

O R D E R:

This writ petition is filed on mere apprehension that the Mandal Revenue Officer, while issuing the protected tenancy certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as 'the Act'), will not follow the procedure prescribed for delivery of possession of the property to the protected tenants and will fail to decide the rights of the parties concerned.

On an appeal being filed by the first petitioner against the order dated 24-06-1975 passed by the Additional Revenue Divisional

Officer (Land Reforms Tribunal), Hyderabad, conferring the ownership of lands under Section 38 E of the Act in favour of Nalla Jangiah and his three brothers and Sathiah and his brothers, the Joint Collector in case No.B4/21315/75 by order dated 27-03-1979, while observing that an opportunity to the first petitioner to establish his right with regard to the ownership over the lands and the claim to show that the protected tenant surrendered possession of the lands before 04-02-1954 should be given, allowed the appeal and remanded the matter to the Revenue Divisional Officer for fresh enquiry into the matter after hearing both the parties and for passing appropriate orders.

The learned counsel for the petitioners submits that while granting 38 E certificate in favour of the persons, who are claiming such rights, the authorities should deliver possession, if the said persons are not in possession, as per the proviso to sub-Section 2 to Section 38 E of the Act.

In view of the same if any orders are passed conferring 38 E certificate to the persons, who are claiming such rights pursuant to the remand of the matter, the respondents are under obligation to provide an opportunity of hearing as directed by the appellate authority and communicate the same to the petitioners. Further the petitioners are entitled to notice before delivery is ordered.

The writ petition is accordingly disposed of. No costs.

A. GOPAL REDDY, J

Dated 20-04-2006

ghn